

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
Alexandria Division

UNITED STATES OF AMERICA,

v.

Criminal Case No. 1:18-cr-00457

BIJAN RAFIEKIAN, *et al.*,

Defendants.

[Proposed] Order Granting Non-Party
Flynn's Motion to File Under Seal

This matter is before the Court on Non-Party Michael Flynn's motion to file a memorandum under seal. The Court makes the following findings:

- (1) Mr. Flynn seeks to file a memorandum relating to submissions made by the government which are under seal;
- (2) Sealing is appropriate when referring to documents already under seal by court order. *See* Local Rule 49(D). This Court has already held that matters to which Mr. Flynn's memorandum refers should be sealed pursuant to the test outlined in *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 602-03 (1978) (discussing the public's right to access court documents).
- (3) Thus, the Court finds that Mr. Flynn's brief should also be sealed for as long as the sealed information underlying the brief is sealed.
- (4) No procedures other than sealing would protect the information subject to

sealing.

For these reasons and the reasons stated in Flynn's motion and its attached non-confidential memorandum, the motion is GRANTED and Mr. Flynn's confidential memorandum, DCT. No. ___, shall be sealed until further order of the Court.

Dated: _____
Alexandria, Virginia

Anthony J. Trenga
United States District Court Judge